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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,008	12/11/2001	Paul T. Corcoran	00-838	2086

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PEORIA, IL 616296490

EXAMINER

BUI, BRYAN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/015,008

Applicant(s)

CORCORAN ET AL.

Examiner

Bryan Bui

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 and 23-26 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-11, 13 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 5-8, 12 and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed on 12/12/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the article "Combating Pavement Roughness with ROSAN" in form 1449 does not provide the name of author, title of item, page(s). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1). The examiner only considered sheet 1 of form 1449.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

With respect to claims 21-22, the terms "current pass", "future pass" are unclear, these limitations should be clarified **in the condition as a function of a maximum allowable profile deviation** to make the claims concise and clear.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 9-11, 13, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Corcoran (U.S. Patent No. 5,736,939).

With respect to claims 1, 9 and 20, Corcoran discloses the features of the invention, comprising: determining an angular slope of a mobile machine as the mobile machine traverses the pavement (e.g. column 3, lines 36-40); determining a change in elevation of the pavement as a function of the angular slope and a distance from a first ground engaging member (first tire) to a second ground engaging member (second tire) on the mobile machine, the change in elevation being indicative a profile (side view or shape or characteristic) of the pavement (e.g. figures 1, 6 and column 3, lines 36-57, column 6, lines 17-34).

With respect to claims 2-4, 10-11, 13, Corcoran further discloses a position determining system for determining a location of the change in elevation; controlling an amount of compaction as a function of the change in elevation when a compactor approaches the determined position which include first and second controllers (e.g. column 4, lines 45+, column 6, lines 17-30).

With respect to claims 21-22, Corcoran discloses the features of the invention, comprising: determining an angular slope of a mobile machine as the mobile machine

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traverses the pavement (e.g. column 3, lines 36-40); determining a change in elevation of the pavement as a function of the angular slope and a distance from a first ground engaging member (first tire) to a second ground engaging member (second tire) on the mobile machine, the change in elevation being indicative a profile (side view or shape or characteristic) of the pavement (e.g. figures 1, 6 and column 3, lines 36-57, column 6, lines 17-34); ; controlling an amount of compaction as a function of the profile deviation (change in elevation) as a compactor approaches the determined position.

***Allowable Subject Matter***

4. Claims 5-8, 12, 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 17-19 and 23-26 are allowable over the prior art of record because the prior art does not disclose the claimed combination, particular require the step of establishing a maximum allowable change in slope of the pavement which being a function of a maximum allowable profile deviation and the maximum allowable profile deviation being indicative of the profile specification.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference of Corcoran et al. (U.S. Patent No. 6,236,923) discloses a method and apparatus for controlling the inflation pressure of a pneumatic compactor.

The reference of Burdick et al. (U.S. Patent No. 5,647,439) discloses an implement control system for locating a surface interface and removing a layer of material.


The reference of Corcoran et al. (U.S. Patent No. 6,218,935) discloses a method and apparatus for controlling the inflation pressure of pneumatic wheels.

The reference of Musil et al. (U.S. Patent No. 5,401,115) discloses a paver with material supply and mat grade and slope quality control apparatus and control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 703-305-4490. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



**BRYAN BUI**  
**PRIMARY EXAMINER**

BB  
April 2, 2003